

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

ENERGY RESOURCE TECHNOLOGY GOM, LLC

CASE NUMBER: 15-281 "B"

William Michael, Jr.

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:☒ pleaded guilty to count(s) 1, 2, 3 and 4 of the Bill of Information on January 6, 2016.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
43 USC § 1350(c)(1)	Violation of The Outer Continental Shelf Lands Act		1 & 2
33 USC § 1319(c)(4)	Violation of The Clean Water Act		3
33 USC § 1319(c)(2)(A)	Violation of The Clean Water Act		4

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.☐ The defendant organization has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

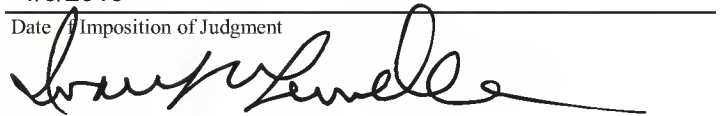
 Defendant Organization's
 Federal Employer I.D. No.: 41-2208947

Defendant Organization's Principal Business Address:

 500 Dallas Street, Suite 2000
 Houston, Texas 77002

4/6/2016

Date of Imposition of Judgment



Signature of Judge

Ivan L.R. Lemelle

Name of Judge

U.S. District Judge

Title of Judge

4/7/2016

Date

Defendant Organization's Mailing Address:

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PROBATION

The defendant organization is hereby sentenced to probation for a term of :

3 Years as to each of Counts 1, 2, 3 and 4 of the Bill of Information, all such terms to run concurrently.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall pay any fine/community service payment that is imposed by this judgment.

The defendant shall submit to a search and/or inspection of any of its properties and places of business conducted at a reasonable time and in a reasonable manner by the United States Probation Officer and shall permit the United States Probation Officer to accompany any law enforcement or regulatory official during the enforcement or inspection of the defendant's properties or places of business.

The defendant shall be required to notify the United States Probation Officer immediately upon learning of any material adverse change in its business or financial condition or prospects, the commencement of any bankruptcy proceeding or any major civil litigation in excess of \$25,000.00.

The defendant is to inform the United States Probation Officer of any breach of compliance involving the defendant's company. A description of the nature, date and time of the breach of compliance shall be provided to the United States Probation Officer within three days of the breach.

In addition to the record retention requirement set forth in the applicable portions of the Code of Federal Regulations, the defendant shall keep the records required to be retained pursuant to regulatory provisions for a specific time period.

The defendant shall commit no further criminal violations including those federal laws and regulations for which primary enforcement has been delegated to state authorities.

The defendant shall comply with a Safety and Environmental Compliance Program, as outlined in the written plea agreement.

The defendant shall notify the probation officer within seventy-two hours of any criminal prosecution against it or knowledge by any executive officer of any referral for potential criminal prosecution to the United States Department of Justice from regulatory authorities.

The defendant shall designate an official of the organization to act as the organization's representative and to be the primary contact with the United States Probation Office.

The defendant shall provide written notice to the Government, BSEE, and the United States Probation Office ten days prior to any of the following: (1) any change of its corporate name and (2) any change in the principal business location or mailing address.

The defendant shall provide periodic, written notice to the United States Probation Office and BSEE of any purchase, sale or transfer of a controlling interest in any offshore facilities. No change in name, business reorganization, bankruptcy, change in ownership or control of the company, merger, change in legal status, purchase of assets, or similar action shall alter or diminish the defendant's obligations under the plea agreement. The defendant further agrees that it will not engage in any business reorganization, transfer of ownership, corporate dissolution, or other business practice, including the sale or transfer of assets, in order to avoid the obligations set forth in the plea agreement.

The defendant shall comply with any additional special conditions set forth in the plea agreement.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,600.00	\$ 4,000,000.00	\$ 200,000.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☒ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Southern Environmental Enforcement Network		\$100,000.00	
National Marine Sanctuary		\$100,000.00	
TOTALS	\$ 0.00	\$ 200,000.00	

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of \$ _____ due immediately, balance due

☐ not later than _____, or

☐ in accordance with ☐ C or ☐ D below; or

B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or

C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D ☒ Special instructions regarding the payment of criminal monetary penalties:

The \$4,000,000.00 Fine is due immediately. Organization community service payment of \$200,000.00, which is due immediately. The payment of the community service payment should be paid as follows: \$100,000.00 shall be paid to the Southern Environmental Enforcement Network; and \$100,000 shall be paid to the National Marine Sanctuary. The \$1600.00 Special Assessment Fee is due immediately.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant organization shall pay the cost of prosecution.

☐ The defendant organization shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.